HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.4078 of 2007

Dated:01.03.2007

Between:

K.R.Shivacharan Reddy.

…Petitioner

and

The District Collector and another.

…Respondents

HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.4078 of 2007

ORDER:

The petitioner is allegedly owner of land admeasuring Acs.3.00 in survey No.24/26 situated at Sayeedguda, China Golconda of Shamshabad Mandal in Ranga Reddy District. He claims to have purchased the same under an unregistered sale deed, dated 09.11.2002. The petitioner alleges that after purchasing the property, he has developed a Farmhouse and cultivating Mango, Lemon and other fruit bearing trees. He further alleges that the land admeasuring Acs.2.26 guntas in survey No.24/29 was purchased by his daughter under an unregistered sale deed, dated 09.11.2002, and an extent of Acs.4.00 in survey Nos.24/31 and 24/32 was purchased by his son under another document, dated 09.11.2002. They also invested considerable amounts, and the petitioner, his daughter and son approached the revenue authorities for obtaining necessary mutation. In the meanwhile, the second respondent issued a notice on 14.03.2005 in Form No.I under Rule 3 of the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Rules, 1977, alleging that the petitioner contravened the provisions of Section 3(2) of the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Act, 1977 ('the Act', for brevity). The petitioner sent a reply on 07.12.2005. The petitioner alleges that the enquiry is still pending. Nonetheless, on 21.02.2007, the second respondent assisted by four of his staff members high-handedly trespassed into the land. Therefore, the present Writ Petition is filed seeking a writ of *mandamus* declaring the action of the respondents in allegedly trespassing into the land, as illegal and

arbitrary.

When the matter was taken up for preliminary hearing, learned Government Pleader for Revenue (General-T) has produced before this Court a copy of the proceedings No.B/97/2006, dated 19.02.2007, issued by the second respondent ordering resumption of the land for contravention of the provisions of Section 3(2) of the Act and that the Mandal Revenue Inspector was directed to take possession of the land under a cover of panchanama. Thereafter, the Mandal Revenue Inspector has taken possession of the land on 22.02.2007. A copy of the proceedings of the Mandal Revenue Officer placed before this Court is made part of the record. A copy thereof is also furnished to the learned Counsel for the petitioner. The petitioner is, therefore, given liberty to approach the concerned Special Deputy Collector and Revenue Divisional Officer, file an appeal under Section 4-A of the Act and obtain appropriate interlocutory orders as well. As and when such appeal is filed by the petitioner, the concerned appellate authority shall immediately pass necessary interlocutory orders and also dispose of the appeal expeditiously, preferably within a period of eight weeks from the date of presentation of the appeal.

The Writ Petition, with the above observations, is accordingly dismissed. No costs.

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(V.V.S.RAO, J)

01.03.2007
GJ